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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JERMEL SHULER,  
Petitioner

FILED

CIVIL ACTION

VS.

NO. 04-4704

LOUIS FOLINO,  
Respondent

MICHAEL E. KUNZ, Clerk

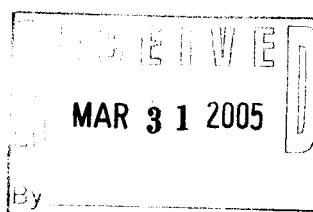
By \_\_\_\_\_ Dep. Clerk

**PETITIONER'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION**

NOW COMES, Jermel Shuler pursuant to 28 U.S.C. 636(B) and submits the following Objections to the Magistrate's Report and Recommendation dated March 15, 2005 and received on March 19, 2005.

Petitioner specifically objects to the Recommendation that his Petition for a Writ of Habeas Corpus be DISMISSED as time-barred by the statute of limitations.

The one-year time limit in Section 2244(d)(1) is a statute of limitations and not a jurisdictional bar. KREUFZER V. BOWERSOX, 231 F.3d 460, 463 (8th Cir. 2000).



DV-8750  
175 Progress Drive  
Waynesburg, Pa. 15370

CERTIFICATE OF SERVICE

I, Jermel Shuler hereby certify that I am this 28th day of March, 2005 serving the foregoing Objections to Magistrate's Report and Recommendation upon the following persons via first class United States Mail addressed as follows]

Michael E. Kunz  
Clerk of Court  
Room 2609  
United States Courthouse  
601 Market Street  
Philadelphia, Pa. 19106

Susan Elizabeth Affronti  
Assistant District Attorney  
1421 Arch Street  
Philadelphia, Pa. 19102

FILED

MICHAEL E. KUNZ Clerk

By \_\_\_\_\_ Dep. Clerk

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